

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MARK STEPHEN BABIASH,

Plaintiff,

v.

Case No. 21-C-1291

KILOLO KIJAKAZI, Commissioner
of Social Security,

Defendant.

ORDER DENYING MOTION TO PROCEED *IN FORMA PAUPERIS*

Plaintiff Mark Stephen Babiash has filed a complaint seeking review of the decision of the Commissioner of Social Security. Plaintiff has requested leave to proceed *in forma pauperis*, pursuant to 28 U.S.C. § 1915, which permits an indigent plaintiff to commence a federal court lawsuit without paying required filing fee. *In forma pauperis* is Latin for “in the manner of a pauper.” BLACK’S LAW DICTIONARY, at 783 (West 1999). A motion seeking such relief must be supported by an affidavit asserting an inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1). Plaintiff filed such an affidavit, but it fails to show that he is indigent.

The affidavit states Plaintiff has a monthly income of \$5,337.00 and lists monthly expenses totaling \$3,506.07 per month. By his own account he has \$1,831.00 per month in disposable income, \$15,000 in an account, an IRA of \$14,050, and \$2,300 in investment accounts. The form directs Plaintiff to list each amount of money received from *any* source in the previous twelve-month period, which would include federal stimulus funds received. No funds were listed. I also

note that Plaintiff's income exceeds the United States Department of Health and Human Services (HHS) 2021 poverty guidelines, Annual Update of the HHS Poverty Guidelines, 86 Fed. Reg. 7732, 7733-34 (Feb. 01, 2021).

The purpose of the petition and affidavit form is to explain to the Court why Plaintiff's filing fee should be waived. The law requires litigants to pay a filing fee unless they are too poor to do so. On this record, Plaintiff's motion must be denied. Absent additional justification, the fee will not be waived. Accordingly, Plaintiff's request to proceed *in forma pauperis* is denied and Plaintiff shall pay the filing fee on or before December 8, 2021.

SO ORDERED at Green Bay, Wisconsin this 16th day of November, 2021.

s/ William C. Griesbach
William C. Griesbach
United States District Judge